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REMARKS

Claims 16-23 and 27-36 are pending in the office action. Claims 16, 23, 27-33, 35 and 36 currently stand rejected, and claims 17-22 and 34 are objected to but indicated to be allowable if rewritten in independent form. Claim 16, 28, 30 and 36 have been amended, claim 35 has been cancelled, and claims 42-50 have been added. Reconsideration of the present application as amended and including claims 16-23, 27-34, 36 and 42-50 is respectfully requested.

Claims 30-32 were rejected under 35 USC §112, second paragraph. Claim 30 has been amended above in a non-narrowing manner to address the issues raised in the office action. Accordingly, withdrawal of this basis of the rejection of claims 30-32 is respectfully requested.

Claims 16, 23, 27-33, 35 and 36 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,797,909 to Michelson in view of U.S. Patent No. 5,865,847 to Kohrs et al.

Claim 16 has been amended above to clarify that the reamer plug is inserted into the first disc space location after reaming the first disc space location. Specifically, claim 16 now recites "preparing the first disc space location through the working channel including reaming the first disc space location for insertion of a first implant therein; inserting a reamer plug through the working channel into the first disc space location after reaming the first disc space location...." Claim 16 also recites "preparing the second disc space location through the working channel for insertion of a second implant therein after inserting the reamer plug; inserting the second implant through the working channel into the second disc space location, the second implant being tapered to establish a desired lordotic angle between the vertebral endplates; removing the reamer plug from the first disc space location after inserting the second implant; and inserting the first implant through the working channel into the first disc space location, the first implant being tapered to establish a desired lordotic angle between the vertebral endplates." Neither Michelson nor Kohrs or the combination thereof discloses or suggest discloses a method that includes these steps. Accordingly, claim 16 is allowable and withdrawal of this basis of the rejection of claim 16 along with claims 23 and 27 depending therefrom is respectfully requested.

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Claim 28 has been amended above to clarify that the reamer plug is inserted into the first disc space location after reaming the first disc space location. Specifically, claim 28 now recites "preparing a first disc space location for insertion of a first implant therein including reaming the first disc space location; inserting a reamer plug into the first disc space location after reaming the first disc space location...." Claim 28 also recites "preparing the second disc space location through the working channel for insertion of a second implant therein after inserting the reamer plug; inserting the second implant through the working channel into the second disc space location, the second implant being tapered to establish a desired lordotic angle between the vertebral endplates; removing the reamer plug from the first disc space location after inserting the second implant; and inserting the first implant through the working channel into the first disc space location, the first implant being tapered to establish a desired lordotic angle between the vertebral endplates." Neither Michelson nor Kohrs or the combination thereof discloses or suggests a method that includes these steps. Accordingly, claim 28 is allowable and withdrawal of this basis of the rejection of claim 28 along with claims 29-33 and 36 depending therefrom is respectfully requested.

New claim 42 presents a broadened form of dependent claim 17 in independent form by rewriting it with the prior version of claim 16. Specifically, the features in dependent claim 17 associated with "a recessed area extending along its length" and "with the first distractor at least partially received in the recessed area of the second distractor" have been omitted since it was indicated that elements 1320, 1322 in Michelson include a recessed area along their length. Claims 43-45 depend from claim 42. Claims 42-45 are believed allowable.

New claim 46 presents a form of dependent claim 34 broadened as discussed above with respect to claim 17 in independent form by rewriting it with the prior version of claim 28. Claims 47-50 depend directly or indirectly from claim 46. Claims 46-50 are believed allowable.

It is believed that the foregoing arguments and amendments have placed claims 16-23, 27-34, 36, and 42-50 in condition for allowance. Reconsideration of the present application as amended is respectfully requested. The Examiner is welcome to contact the undersigned to resolve any outstanding issues with regard to the present application.

Respectfully submitted

By. 

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